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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/819,291

03/28/2001

Kiyoshi Ozaki

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6868

7590 03/13/2007
Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
300 South Wacker Dr., Suite 2500
Chicago, IL 60606

EXAMINER

NGUYEN, HOAN C

ART UNIT

PAPER NUMBER

2871

MAIL DATE

DELIVERY MODE

03/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/819,291

Applicant(s)

OZAKI ET AL.

Examiner

HOAN C. NGUYEN

Art Unit

2871

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 40-42.
Claim(s) withdrawn from consideration: 1-5 and 39.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Examiner does respond to election of restriction on Final rejection (04/17/2006). In the supplemental amendment D based on this Final rejection, applicants have agreed with response to election of restriction; therefore, claims 1-5 and 39 have been marked "withdrawn".

In Response E filed on 2/2/2007, applicants pointed out that Amendment filed on 11/21/2005 (not 11/14/2005) directed to Fig. 17B showing all the features from claim 40. However, Figs. 16-17 in example 1 shows that TWO disconnection repairing contact holes 203/205 are connected to each other by TWO conducting films 209/211, but not a (one) fourth conductive film as claim cited.

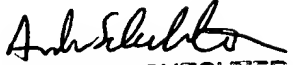
Applicants also pointed out that "conducting films 209/211 are simply never described to be necessarily formed from two separate conductive films" that means conducting film can be one film (see attachment), there is no such description of one conducting film filling "the disconnection repairing contact holes so as to reach a surface of the transparent glass substrate" in the specification. However, Example 2 shows (Fig. 18-19) that the one conducting film filling "the disconnection repairing contact holes" that do not reach a surface of the transparent glass substrate.

Examiner considers two features:

- * two conductive film filling the two the disconnection repairing contact holes so as to reach a surface of the transparent glass substrate in example 1 (Fig. 17 shows each conductive film fills each contact hole).
 - * one conductive film filling the two the disconnection repairing contact holes that do not reach a surface of the transparent glass substrate in example 2 (Fig. 19).
- being two independent features which CANNOT MIXED, and even one skilled in the art cannot combine.

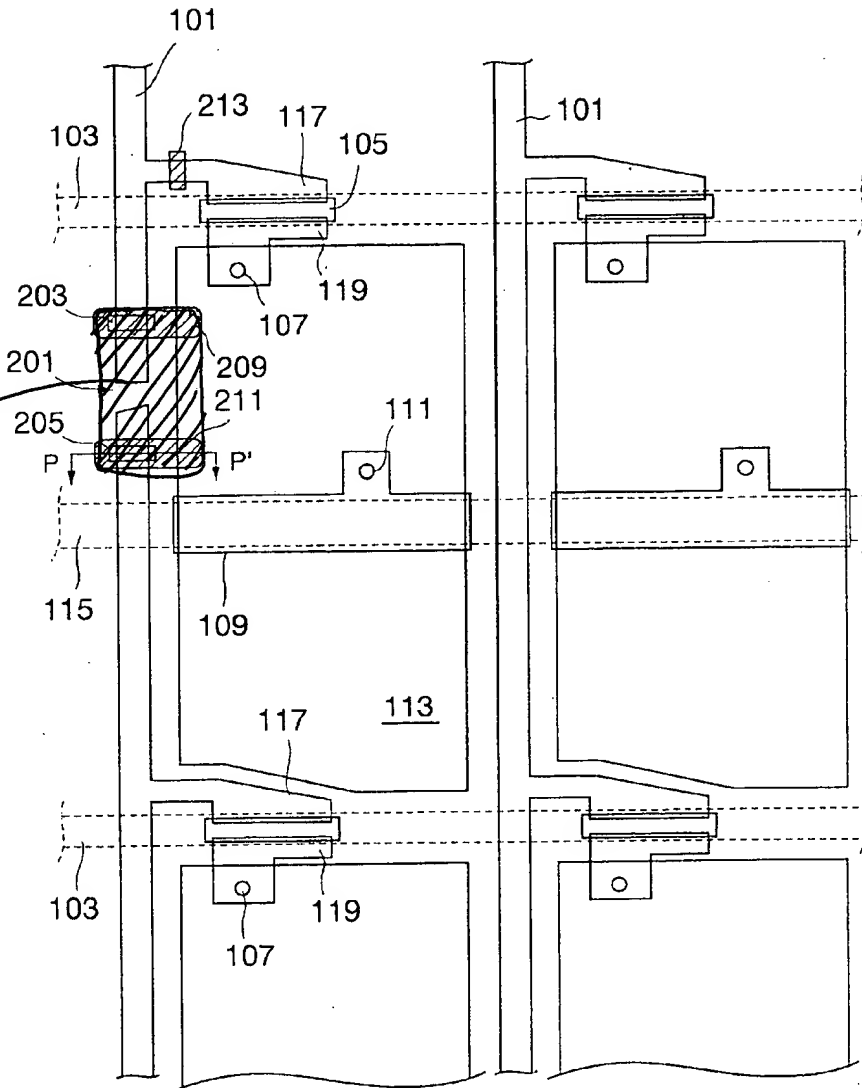
Applicant further argued that "the fourth conductive film is comprised of "a single unitary structure" which is unclear what is "unitary structure", and ""the fourth conductive film is comprised of a plurality of separated discrete portions" which is unclear what is separated portions". However, these are not a claim feature; therefore, the argument is irrelevant.

Claim cited "a fourth conductive film", where in the context, "a" cannot mean more than one as stated in the response (page 7). However, if "a" means "more than one" as Federal Circuit held, "a fourth conductive film" cannot fill both contact holes; it means that "a fourth conductive film" fills one contact hole and "another fourth conductive film" may fill the other contact hole (each conductive film fills each contact hole).


ANDRE SCHACHTER
PRIMARY EXAMINER

Attachment

FIG. 16



one conductive layer fills the contact holes that reach a surface of substrate. This feature is not disclose anywhere in specification